

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3803 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
Nos. 1 to 5 No.

GUJ STATE ROAD TRANSPORT CORPORATION

Versus

R M UPADHYAY

Appearance:

MR PRANAV DESAI FOR GN DESAI for Petitioner

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 24/06/96

ORAL JUDGEMENT

Mr.R.M.Upadhyay is present in person and is identified by the learned counsel for the petitioner Mr.Desai through Mr.Laxmikant Bhanuprasad Joshi, Junior Assistant, Gujarat State Road Transport Corporation, Nadiad Division who is also present in the court. Mr.Desai has produced one photostat letter dated 24.5.1996 signed by respondent Shri R.M.Upadhyay which was produced before the Divisional Controller and Chief Traffic Officer, Gujarat State Road Transport Corporation, Ahmedabad which shall

remain part of the record of this Special Civil Application wherein he has given out that he is prepared to forgo the claims of his arrears and consequential benefits, provided he is given the time scale from 1.10.1991. The respondent Mr.R.M.Upadhyay who is present before the Court has stated that he has no objection if the impugned award dated 23.7.1990 is modified accordingly. Mr.Desai also agrees to this and submits that the petitioner corporation is prepared to grant time scale to the respondent Shri R.M.Upadhyay from 1.10.1991 and that the respondent shall also be entitled to all the consequential benefits on grant of time scale from 1.10.1991.

In this view of the matter on the basis of the consent of both the sides the impugned award dated 23.7.1990 is modified as under :

The respondent is already in services, his services shall be treated to be continuous through out as if he had not been removed and he shall be entitled to the time scale from 1.10.1991 and its consequential benefits but he shall not be entitled to claim any arrears for the period for which he has remained out of employment.

This Special Civil Application is accordingly allowed and the rule is made absolute in the aforesaid terms. No order as to costs.
